



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 12 2013

1272170 - R8 SDMS

**MEMORANDUM**

**SUBJECT:** Response to Office of Inspector General Final Report No. 13-P-0221  
*Better Planning, Execution and Communication Could Have Reduced the Delays in  
Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*, dated April 17,  
2013

**FROM:** Mathy Stanislaus, Assistant Administrator  
Office of Solid Waste and Emergency Response (OSWER)

Shaun McGrath, Regional Administrator  
Region 8

Lek G. Kadeli, Principal Deputy Assistant Administrator  
Office of Research and Development (ORD)

**TO:** Arthur A. Elkins, Jr., Inspector General  
Office of Inspector General (OIG)

Thank you for the opportunity to respond to the OIG final report, *Better Planning, Execution and Communication Could Have Reduced the Delays in Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*. Although the Agency does not agree with all of the findings of this report, we have provided planned corrective actions and estimated completion dates for each recommendation issued in the final OIG report. In certain instances, we have proposed alternative corrective actions that sufficiently address the recommendations.

**AGENCY'S OVERALL POSITION**

Although the OIG final report reflects changes and corrections in response to Agency comments regarding OIG's draft report (EPA, September 5, 2012), there are still findings with which the Agency does not fully agree. However, in order to move forward, our corrective actions and corresponding estimated completion dates responding to the OIG recommendations are provided below. The Agency's proposed corrective actions are intended to resolve, or present a plan to resolve, all recommendations in the final OIG report.

# AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS

| No. | Recommendation   | High-Level Intended Corrective Action(s)   | Estimated Completion  |
|-----|--|--|---|
| 1   | Assistant Administrator for Solid Waste and Emergency Response and Region 8 Regional Administrator require action officials to:  | 1a) The Agency has committed to keep stakeholders informed of significant risks to completion of project milestones in all future updates. | September 5 <sup>th</sup> , 2012 (Date of Agency comments to the OIG on the Draft Report) |
|     | a) Disclose significant risks to completing the Libby Action Plan.   | 1b) Closed by Action for 1.a.  | NA  |
|     | b) Update the Libby Action Plan to reflect changes in milestone dates.<br><br>c) Distribute original and revised plans to stakeholders.  | 1c) Closed by Action for 1.a.  | NA  |
| 2a  | Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Research and Development, and Region 8 Regional Administrator: Establish a charter to define project roles and responsibilities for completing the remaining corrective actions under the Libby Action Plan. | EPA will develop a charter formalizing the management structure for completion of the Libby Action Plan projects.                          | Sept. 30, 2013  |

| No.  | Recommendation   | High-Level Intended Corrective Action(s)  | Estimated Completion             |
|------|--|---|----------------------------------|
| 2b   | Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Research and Development, and Region 8 Regional Administrator: Determine whether the SAB or another organization will review the completed risk assessment.  | Closed. EPA has made the commitment to have the Libby Technical Assistance Group (LTAG) review and provide comments on the site risk assessment, which will also be available for review by all interested parties during the public comment period.  | September 5 <sup>th</sup> , 2012 |
| 3a,b | Deputy Administrator direct the SAB to determine and report on whether:<br><br>a) EPA has followed guidance sufficient to support the findings in the Libby toxicity assessment.<br><br>b) Limitations exist in applying the cancer and noncancer values to the determination of acceptable levels of exposure to asbestos in Libby. | Closed. The EPA's Science Advisory Board (SAB) review of the IRIS Toxicological Review of Libby Amphibole Asbestos is complete. The report was submitted to the Office of the Administrator of January 30 <sup>th</sup> , 2013.<br><br>The SAB review panel was asked in the original charge to consider EPA risk assessment guidelines and policies in their review. Their report does discuss limitations in the derivation of the Libby amphibole asbestos-specific toxicity values. | January 30 <sup>th</sup> 2013    |
| 4    | Region 8 Regional Administrator ensure that future contracts issued through interagency agreements are within the scope of those agreements.   | Region 8 ensures that all contracting through interagency agreements (IAs) are within scope.  | {date of this correspondence}    |

| No. | Recommendation   | High-Level Intended Corrective Action(s)   | Estimated Completion |
|-----|--|--|----------------------|
| 5   | Assistant Administrator for Research and Development develop a priority list for pending and ongoing research. | <p>The IRIS program will identify and maintain a short list of five to ten ongoing IRIS assessments it considers as a group to be its top priority assessments, with human health consequences as one of the considerations.</p> <p>The list will require concurrence by the ORD AA, who will also need to approve any changes to this list.</p> | Sept. 30, 2013       |

#### CONTACT INFORMATION

If you have any questions regarding this response, please contact:

- ORD's David Bussard, Director, Washington Division, NCEA at (703) 347-8647 or Deborah Heckman, Division Director, OPARM at (202) 564-7274;
- OSWER's Helen Dawson, Chief of the Science Policy Branch, OSRTI at (703) 603-8833; or
- Region 8's Deb McKean, Chief, Technical Assistance Unit at (303) 312-6178.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MEMORANDUM**

**SUBJECT:** Response to Office of Inspector General Final Report No. 13-P-0221  
*Better Planning, Execution and Communication Could Have Reduced the Delays in  
Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*, dated April 17,  
2013

**FROM:** Mathy Stanislaus, Assistant Administrator  
Office of Solid Waste and Emergency Response (OSWER)

Shaun McGrath, Regional Administrator  
Region 8

Lek G. Kadeli, Principal Deputy Assistant Administrator  
Office of Research and Development (ORD)


**TO:** Arthur A. Elkins, Jr., Inspector General  
Office of Inspector General (OIG)

Thank you for the opportunity to respond to the OIG final report, *Better Planning, Execution and Communication Could Have Reduced the Delays in Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*. Although the Agency does not agree with all of the findings of this report, we have provided planned corrective actions and estimated completion dates for each recommendation issued in the final OIG report. In certain instances, we have proposed alternative corrective actions that sufficiently address the recommendations.

**AGENCY'S OVERALL POSITION**

Although the OIG final report reflects changes and corrections in response to Agency comments regarding OIG's draft report (EPA, September 5, 2012), there are still findings with which the Agency does not fully agree. However, in order to move forward, our corrective actions and corresponding estimated completion dates responding to the OIG recommendations are provided below. The Agency's proposed corrective actions are intended to resolve, or present a plan to resolve, all recommendations in the final OIG report.

Concurrence:

  
Herb

6/6/13

6/6/13

Alfred G. G. G.